

Attorney's Docket No.: 06666-076001

Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 1-13 and 43-63 stand rejected under 35 USC 103 as allegedly being unpatentable over Ayache in view of Kang. This contention is respectfully traversed. Claim 1 requires obtaining images of similar image information from two uncalibrated sources. Neither Ayache nor Kang, nor the combination therebetween in any way teaches or suggests this feature. In fact, both require calibration. Ayache describes that one of the "essential" (column 4, line 1) phases of the process is calibrating the sensors, see column 4 line 3. Since the sensors must be calibrated, and this is an "essential" part of the process, it stands to reason that Ayache cannot suggest, in any way, uncalibrated motion. In any case, Kang clearly teaches closed loop cameras where the cameras undergo a fixed orbital motion, which Kang refers to as being "closed loop" see column 4, line 8. Therefore, the hypothetical combination of Ayache in view of Kang certainly cannot teach obtaining two images of similar image information from uncalibrated sources. All of the teaching from Ayache relates to rectification with calibrated cameras. Therefore, claim 1 should be allowable for these reasons, along with the claims that depend therefrom.

Claim 43 defines uncalibrated cameras and hence should be

Attorney's Docket No.: 06666-076001

allowable for reasons discussed above. Certainly figure 6 of Ayache cannot teach the same rectification procedure as claimed, since Ayache teaches calibrated cameras. Claim 44 further defines using uncalibrated information, and hence should be allowable for analogous reasons.

Claims 29, 31-34, 39 and 40 6-63 stand rejected as allegedly being unpatentable over Woodfill in view of Ayache and Greenspan. This contention is further respectfully traversed. Claim 29 defines identifying at least one seed voxel with a high probability of being a correct three-dimensional measure. Neither of Woodfill or Ayache teaches or suggests a volumetric approach, that is one with a seed voxel. A Woodfill teaches a system of image processing, with low latency image correlation. Ayache teaches a multi-baseline approach. However, there is no teaching or suggestion in either one of how a volumetric method, that is a seed voxel with a relatively high probability of being a correct three-dimensional measure, could be used to form three-dimensional information from first and second images, as claimed. While Greenspan does teach a volumetric technique, it does so in the context of a system that allows recognizing objects within noisy images. The image is voxelated, and a tree is formed of the voxel set. The tree is used to search surface points. This is done, however, as a core of recognizing the objects. There is no teaching or suggestion of the first and

Attorney's Docket No.: 06666-076001

second images being of the same object and identifying the objects with lines that intersect. The hypothetical combination, therefore, is itself based on hindsight, and even if made would not teach or suggest the present system.

The remaining claims should be allowable for analogous reasons.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply a two month extension of time fee of \$225.00 for the Petition for Extension of Time fee to Deposit Account NO. 06-1050. Please

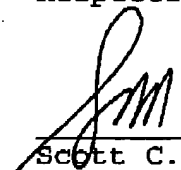
Attorney's Docket No.: 06666-076001

apply any other charges or credits to Deposit Account

No. 06-1050.

Respectfully submitted,

Date: 9/19/05



Scott C. Harris

Reg. No. 32,030

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10552862.doc